

**REMARKS**

Claims 9-19 are pending in this application. The Office Action rejects claims 9-19 under 35 U.S.C. §102(e). Applicants respectfully traverse the rejection.

**I. Rejection Under 35 U.S.C. §102(e)**

The Office Action rejects claims 9-19 under 35 U.S.C. §102(e) as being anticipated by Ohno et al. (U.S. Patent Application Publication No. 2005/0169818; hereafter "Ohno").

Applicants respectfully traverse the rejection.

This rejection is improper because Applicants' priority date precedes Ohno's prior art date. The present application was filed as a U.S. National Phase application of international application no. PCT/JP2003/013189 filed October 15, 2003, and claimed priority to a Japanese application filed on October 18, 2002. Ohno was also filed as a U.S. National Phase application of international application no. PCT/JP2003/003601 filed March 25, 2003.

Although the Office Action appears to assert that Ohno obtains its international filing date as an effective prior art date under 35 U.S.C. §102(e), that is incorrect. Under §102, a national phase application has a §102(e) prior art date as of the international filing date "*only if the international application designated the United States and was published under Article 21(e) of such treaty in the English language.*" See 35 U.S.C. §102(e) and MPEP §706.02(f)(1). In this case, Ohno was published in Japanese, and thus does not obtain a §102(e) prior art date.

At most, the Ohno reference would qualify as prior art only as of its August 4, 2005, U.S. publication date, or its October 2, 2003, PCT publication date. Because the PCT publication was between the Japanese priority filing date and the PCT application filing date of this application, Applicants can readily overcome the rejection by perfecting the claim for priority by submitting an accurate English translation of the Japanese priority application.

Thus, an accurate English translation of the Japanese patent application is filed herewith. As the instant claims are fully supported by the priority document, Ohno is not prior art to the instant application, and the rejection must be withdrawn.

For at least the foregoing reasons, Ohno does not anticipate claims 9-19 in the claimed invention. Reconsideration and withdrawal are earnestly solicited.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 9-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
English Translation of Priority Application

Date: December 19, 2006

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